



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Twenty-fourth Meeting Day

Monday Afternoon

March 5, 2007

The Senate convened at 1:32 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Robert N. Jackman.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting <input type="checkbox"/>	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux <input type="checkbox"/>	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson <input type="checkbox"/>
Ford	Sipes
Gard	Skinner <input type="checkbox"/>
Heinold	Smith <input type="checkbox"/>
Hershman	Steele
Howard <input type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley <input type="checkbox"/>	Waterman <input type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 255: present 41; excused 8. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that due to the death of Senator Anita Bowser on March 4, 2007, a vacancy was created in Senate District 8. Pursuant to my direction, Senator Bowser's name will remain on the Roll of Senators until such time as the process to name her successor is complete and the new Senator has taken the oath of office.

LONG

Report adopted.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1001 — Meeks, Mrvan, Kenley, Simpson (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1012 — Delph, Simpson, Steele (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1019 — Nugent, Ford, Lewis (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1036 — Paul, Skinner (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1044 — Landske, Tallian (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning veterans and to make an appropriation.

HB 1067 — Meeks, Hume (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1074 — Becker, Alting, Simpson, Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1083 — Dillon, Simpson (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1173 — Kruse, Deig (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1175 — Becker, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning Labor.

HB 1177 — Riegsecker, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1196 — Becker, Lanane (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1197 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1221 — Kruse, Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1231 — Wyss, Broden, Dillon (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1256 — Lubbers, Kenley, Kruse, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1257 — Lubbers, Kruse, Kenley, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1258 — Kruse, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1278 — Ford, Lanane, Wyss, Broden (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1280 — Landske, Broden (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1288 — Lubbers, Smith, Mrvan, Rogers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1304 — Alting, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1308 — Gard, Lewis (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1344 — Simpson, Deig (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1347 — Wyss, Alting, Smith (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1348 — Lawson, Errington (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1351 — Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1356 — Meeks, Mrvan, Riegsecker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1359 — Paul, Lewis (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1386 — Bray, Long (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1389 — Alting, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1392 — Landske, Smith, Dillon (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1406 — Lubbers, Sipes (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1424 — Ford, Lanane, Alting (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1428 — Lubbers, Miller, Errington (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1429 — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1434 — Landske, Rogers, Mrvan (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1437 — Bray, Long, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1452 — Miller, Paul, Sipes, Howard (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1461 — Ford, Broden (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1468 — Becker, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1470 — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1471 — Wyss (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1477 — Simpson, Riegsecker (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1478 — Kenley, Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1480 — Meeks, Kruse, Rogers (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1481 — Meeks, Rogers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1484 — Broden, Dillon, Breaux (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1488 — Kruse, Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1489 — Lubbers, Tallian (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1497 — Lubbers (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1500 — Riegsecker, Simpson (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1503 — Lawson, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1505 — Bray, Simpson (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

HB 1509 — Becker, Lanane, Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1521 — Kruse, Hume (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1525 — Miller, Paul, Broden (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1538 — Wyss, Rogers, Paul (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1551 — Lawson, Deig (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1555 — Bray, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1563 — Dillon, Rogers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1566 — Ford, Simpson (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1581 — Alting, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1595 — Heinold, Rogers (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1617 — Kruse, Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1622 — Kenley, Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1646 — Hershman, Hume, Deig (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1647 — Alting, Lubbers, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1653 — Rogers (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1656 — Sipes, Weatherwax (Tax and Fiscal Policy)

A BILL FOR AN ACT concerning taxation.

HB 1657 — Jackman, Steele, Hume, Weatherwax (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1693 — Kenley, Wyss (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1717 — Bray, Lanane (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1726 — Heinold, Sipes (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1728 — Broden (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1731 — Lanane (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1739 — Nugent (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1742 — Heinold, Bowser (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1753 — Lubbers, Broden (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1767 — Kenley, Kruse, Rogers, Smith (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1774 — Riegsecker, Becker (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1777 — Wyss, Breaux (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1797 — Lubbers, Sipes, Alting, Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1808 — Dillon, Broden (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning

elections.

HB 1816 — Lubbers, Kenley, Sipes, Kruse (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1820 — Meeks, Simpson, Kruse, Rogers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1821 — Miller, Alting, Rogers, Sipes (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1824 — Gard (Utilities & Regulatory Affairs)

A BILL FOR AN ACT concerning the Indiana Code. (Vehicle Bill)

HB 1830 — Wyss, Simpson (Rules and Legislative Procedure)

A BILL FOR AN ACT concerning the Indiana Code.

HB 1835 — Jackman, Lanane (Tax and Fiscal Policy)

A BILL FOR AN ACT concerning the Indiana Code.

HB 1837 — Merritt (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT concerning the Indiana Code. (Vehicle Bill)

HJR 13 — Sipes, Alting, Skinner (Education and Career Development)

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education finance.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1036, 1308, and 1824 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

Senate Concurrent Resolution 38, introduced by Senator Lewis:

A CONCURRENT RESOLUTION recognizing the Silver Creek High School cheerleading team for their success in winning the World Cheerleading Association National Championship.

Whereas, The Silver Creek High School cheerleading team, of Sellersburg, Indiana, through its dedicated hard work, won the WCA National Championship;

Whereas, The team had an entire season of excellence, winning first place in each of the four competitions in which they participated;

Whereas, The team competed and won in the Level 5 Small Varsity division, the hardest level of competition;

Whereas, The team raised their own funds and ably balanced school, work, and other extra-curricular activities; and

Whereas, This close-knit group is expertly led and coached: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana Senate hereby recognizes the Silver Creek High School cheerleading team for their success in winning the World Cheerleading Association National Championship.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to coaches Jenn Bobay-Manning, Karen Alexander, and Amanda Luther and team members Tori Dewees, Tiffany Baumann, Carrie Elrod, Amy Ehrhart, Katie Alexander, Christy Cosby, Jade Davidson, Helen-Noel Rich, Kayla Chambers, Jenna McRae, Morgan Coquerille, and Brandi Nevins.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Robertson and Stemler.

Senate Concurrent Resolution 39

Senate Concurrent Resolution 39, introduced by Senator Lewis:

A CONCURRENT RESOLUTION honoring Shawe Memorial High School of Madison, Indiana upon its recognition as a 2006 No Child Left Behind - Blue Ribbon School, the only private high school in the nation to earn that distinction.

Whereas, Shawe Memorial High School, founded in 1952 and named in honor of Indiana's first Catholic Priest, enrolls 159 students from Madison, Indiana, Jefferson County, and surrounding areas;

Whereas, The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels;

Whereas, Shawe Memorial High School, because of the diligence and high standards of its students, teachers, and administrators, received this award from the U.S. Department of Education;

Whereas, Shawe Memorial High School has, since 2000, graduated 100% of its students, 90% of whom go on to a two or four year college or university;

Whereas, Shawe Memorial High School has, since 2000, seen 4% of its students be honored as National Merit Semi-finalists;

Whereas, Shawe Memorial High School is the only private high

school in the nation to receive this prestigious distinction; and

Whereas, Shawe Memorial High School is a credit to Indiana education: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana Senate hereby honors Shawe Memorial High School on its recognition as a Blue Ribbon School.

SECTION 2. The Secretary of the Senate of the Senate is directed to transmit a copy of this resolution to Jerome Bomholt, Principle of Shawe Memorial High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cheatham.

Senate Concurrent Resolution 46

Senate Concurrent Resolution 46, introduced by Senator Lewis:

A CONCURRENT RESOLUTION honoring Joe J. Webb for his years of public service.

Whereas, Joe J. Webb has served his community, county, and state in a dignified and professional manner since 1962;

Whereas, Mr. Webb has helped guide the Clark County REMC since his election to its Board of Directors in 1973;

Whereas, During Mr. Webb's tenure as a leader of the Clark County REMC, that organization diligently fulfilled its mission of providing reliable electricity and services to its members;

Whereas, In recognition of his leadership abilities, the Indiana Statewide Association of Rural Electric Cooperatives elected him President;

Whereas, Mr. Webb held this distinguished position from 1987 to 2006, a term of nineteen years;

Whereas, Mr. Webb has also served as a member of the Action Committee for Rural Electrification and the Friends of Rural Electrification;

Whereas, Mr. Webb was also a valued member of the New Washington Optimist Club, of which he was President, the Center for Lay Ministries Board, Leadership Southern Indiana, Loyal Order of Moose, Indiana Farm Bureau, and the Indiana Alcohol and Tobacco Commission; and

Whereas, Mr. Webb found the time to serve as a church elder, a State Barber Inspector, develop a career at Navistar International Corporation and raise a family of three children: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana State Senate hereby honors Joe J. Webb for his years of public service.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Joe J. Webb and Glen R. Reis.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Goodin.

SENATE MOTION

Madam President: I move that Senator Long be removed as second sponsor of Engrossed House Bill 1386.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second sponsor of Engrossed House Bill 1386.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as second sponsor of Engrossed House Bill 1364.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 6, 2007.

LONG

Motion prevailed.

The Senate adjourned at 1:55 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate